



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD) No. 6208 of 2011

and

M.P (MD) No. 1 of 2011

WEB COPY

The Management,
Tamil Nadu State Transport Corporation,
(Madurai Division-2),
Vannarpettai,
Tirunelveli-3.

... Petitioner

Vs.

1.R.Ravikumar

2.The Presiding Officer,
Labour Court,
Tirunelveli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of certiorari, calling for the records pertaining to the order passed by the Labour Court, Tirunelveli, in I.D.No.31 of 2003, dated 23.04.2010 and quash the same as illegal.

For Petitioner : Mr.M.Prakash
For Respondent No.1 : Mr.D.Saravanan
For Respondent No.2 : Labour Court

ORDER

This writ petition is filed seeking a writ of certiorari, to quash the award dated 23.04.2010 passed in I.D.No.31 of 2003 on the file of the Labour Court, Tirunelveli.

2. The case of the petitioner is that the petitioner/Transport Corporation made allegation against the first respondent that on 29.12.1993, the first respondent prepared a bill for a sum of Rs.1,180/- towards the return of premium amount paid by one Devadass, who was working as Conductor in the petitioner Corporation. But the amount was not paid to the said Devadass, for which the disciplinary proceedings was initiated against the first respondent. However, the Labour Court without any evidence, arrived a conclusion that as if the amount was paid to the said Devadass and even the said Devadass was not examined
service by the petitioner Transport Corporation or by the Labour



Court and therefore, the award of the Labour Court is perverse in nature. Hence, this Court may set aside the award passed by the Labour Court and the matter may be remanded back to the Labour Court for fresh consideration of evidence.

3. Both the learned counsels appearing for the petitioner as well as the first respondent agreed to let in fresh evidence before the Labour Court.

4. In view of the consent view expressed by both the learned counsels appearing for the petitioner as well as the first respondent, the award of the Labour Court dated 23.04.2010 passed in I.D.No.31 of 2003 is set aside and the matter is remanded back to the Labour Court, Tirunelveli, for fresh consideration of evidence and the Labour Court shall pass appropriate orders on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Presiding Officer, Labour Court, Tirunelveli.

Copy to

The Section Officer, V.R. Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to M/s.M.PRAKASH, Advocate (SR-742[F] dated 11/01/2021)

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<https://hcservices.courts.gov.in/hcservices/>